

AMENDED IN ASSEMBLY JANUARY 24, 2006

AMENDED IN ASSEMBLY JANUARY 4, 2006

AMENDED IN ASSEMBLY MAY 2, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1381

Introduced by Assembly Member Nunez

February 22, 2005

An act to amend Sections 51795, 51796, 51797, and 51798 of, and to add Section 51796.5 to, the Education Code, and to amend Section 40507 of the Public Resources Code, relating to school gardens.

LEGISLATIVE COUNSEL'S DIGEST

AB 1381, as amended, Nunez. School instructional gardens: pupil nutrition.

(1) Existing law establishes the Instructional School Gardens Program for the promotion, creation, and support of instructional school gardens by eligible educational agencies, as defined. Existing law requires that the program be administered by the State Department of Education through the allocation of one-time grants and technical assistance to applicant eligible education agencies. Existing law authorizes the department to consult with the Integrated Waste Management Board and public institutions of higher education, regarding curriculum development and evaluation of any program established pursuant to the Instructional School Gardens Program.

This bill instead would require the Integrated Waste Management Board to administer the program, in consultation with the State Department of Education, the Department of Food and Agriculture, and the State Department of Health Services. This bill would align the

program with the statewide environmental *education* program *and would include an agricultural education component in the program*. This bill would provide that educational agencies interested in participating in the Instructional School Gardens Program apply to the board for funding. This bill authorizes the board to establish an advisory group involving other agencies and groups with expertise in instructional school gardens, to provide technical assistance, resources, in-kind support, site visits, and other related forms of support.

This bill would require educational agencies applying for funding to provide the goals and objectives for their instructional school garden and a plan detailing how they plan to meet the goals and objectives. This bill would limit the use of funding for the program to costs directly related to implementing the instructional school garden and would prohibit the use of more than 5% of the funding awarded for administrative costs.

(2) Existing law requires the Integrated Waste Management Board to give preferential consideration during its annual discretionary grant funding process to providing an appropriate level of funding to the program.

This bill instead would establish the Instructional School Garden Account within the State Treasury and would permit the board to expend money from the account upon appropriation by the Legislature. This bill would allow the board to accept and receive funding and other contributions from federal, state, and local sources as well as from public and private organizations and individuals. This bill would permit proceeds from court judgments that have been designated for instructional programs or instructional school gardens to be included within the account. This bill also would authorize the board to accept nonmonetary contributions. This bill would require the transfer of \$100,000 each year for 5 years from the Integrated Waste Management Account into the Instructional School Garden Account.

(3) Existing law provides that the program will be implemented only if funds are available for it.

This bill would specify that the funding necessary for implementation is the funding received by the board and included within the Instructional School Garden Account.

(4) Existing law requires the board to file annual progress reports with the Legislature regarding specified programs that the board undertakes, including, but not limited to, the public education program.

This bill would add a report on the status and effectiveness of the Instructional School Gardens Program to the required reports.

This bill would also delete an obsolete reference and would make other, nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51795 of the Education Code is amended
2 to read:

3 51795. The Legislature finds and declares all of the following:

4 (a) School gardens provide an interactive, hands-on learning
5 environment in which students learn composting and waste
6 management techniques, fundamental concepts about nutrition
7 and obesity prevention, and the cultural and historical aspects of
8 our food supply. School gardens also foster a better understanding
9 and appreciation of where food comes from, how food travels from
10 the farm to the table, and the important role of agriculture in the
11 state, national, and global economy.

12 (b) Encouraging and supporting school gardens creates
13 opportunities for children to learn to make healthier food choices,
14 participate more successfully in their education experiences, and
15 develop a deeper appreciation of their community.

16 (c) School garden programs can equally enhance any subject
17 area including science, environmental education, math, reading,
18 writing, art, nutrition, physical education, history, and geography.
19 School gardens provide a unique setting in which improved pupil
20 performance can be achieved.

21 SEC. 2. Section 51796 of the Education Code is amended to
22 read:

23 51796. (a) The Instructional School Gardens Program is hereby
24 established for the promotion, creation, and support of instructional
25 school gardens by eligible educational agencies through the
26 allocation of funding to eligible educational agencies. The program
27 shall be administered by the Integrated Waste Management Board,
28 in consultation with the State Department of Education, the
29 Department of Food and Agriculture, and the State Department of
30 Health Services. This program shall be aligned with the statewide
31 environmental education program established pursuant to Part 4

(commencing with Section 71300) of Division 34 of the Public Resources Code *and shall include an agricultural education component as outlined in Section 8981 of the Education Code.* Any eligible education agency interested in participating in the Instructional School Gardens Program may apply to the board for funding.

(b) In implementing this article, the board may establish an advisory group involving other agencies and groups with expertise in instructional school gardens, including, but not limited to, the California Environmental Education Interagency Network. The purpose of the advisory group is to support program efforts through technical assistance, resources, in-kind support, site visits, and other related efforts.

(c) On or before March 1, 2008, and annually thereafter, the board shall report to the Legislature and the Governor on its progress in implementing this article in its annual report pursuant to Section 40507 of the Public Resources Code.

(d) For the purposes of this article, “board” means the Integrated Waste Management Board.

(e) For purposes of this article, “eligible educational agency” means any school district or county office of education.

SEC. 3. Section 51796.5 is added to the Education Code, to read:

51796.5. (a) The board shall establish a program to provide funding to eligible educational agencies to assist in the development and implementation of instructional school garden programs.

(b) In order to be considered for funding, eligible educational agencies are required to provide the goals and objectives for their instructional school garden, as well as an action plan for how the goals and objectives are to be carried out, including the grade level or grade levels to be targeted.

(c) Funding shall be used for costs directly related to the implementation of the instructional school garden. Administrative overhead costs shall not exceed 5 percent of the total funding awarded.

SEC. 4. Section 51797 of the Education Code is amended to read:

51797. (a) The Instructional School Garden Account is hereby established within the State Treasury. Moneys in the account may,

1 upon appropriation by the Legislature, be expended by the board,
2 for the purposes of this article. The board shall administer this
3 article, including, but not limited to, the account.

4 (b) Notwithstanding any other provision of law to the contrary,
5 the board may accept and receive federal, state, and local funds
6 and contributions of funds from a public or private organization
7 or individual. The account may also receive proceeds from a
8 judgment in state or federal court when the funds are contributed
9 or the judgment specifies that the proceeds are to be used for the
10 purposes of this part, including, but not limited to, those funds,
11 contributions, or proceeds from judgments that are specifically
12 designated for use for school garden purposes. ~~Private contributors~~
13 ~~shall not have the authority to further influence or direct the use~~
14 ~~of their contributions.~~

15 (c) The board shall immediately deposit any funds contributed
16 pursuant to subdivision (b) into the account.

17 (d) The board shall also accept nonmonetary contributions.

18 (e) The board shall transfer one hundred thousand dollars
19 (\$100,000) annually for five years from the Integrated Waste
20 Management Account, established pursuant to Section 48001 of
21 the Public Resources Code, into the account.

22 SEC. 5. Section 51798 of the Education Code is amended to
23 read:

24 51798. This article shall be implemented only if funds become
25 available from private donations, special fund money, federal
26 money, or any combination thereof, for the purposes of this article,
27 pursuant to Section 51797.

28 SEC. 6. Section 40507 of the Public Resources Code is
29 amended to read:

30 40507. (a) On or before March 1 of each year, the board shall
31 file an annual report with the Legislature highlighting significant
32 programs or actions undertaken by the board to implement
33 programs pursuant to this division during the prior calendar year.
34 The report shall include, but is not limited to, the information
35 described in subdivision (b).

36 (b) Commencing January 1, 1997, the board shall file annual
37 progress reports with the Legislature covering the activities and
38 actions undertaken by the board in the prior fiscal year. The board
39 shall prepare, and may electronically file with the Legislature, the

1 progress reports throughout the calendar year, as determined by
2 the board, on the following programs:

- 3 (1) The local enforcement agency program.
- 4 (2) The research and development program.
- 5 (3) The public education program.
- 6 (4) The market development program.
- 7 (5) The used oil program.
- 8 (6) The planning and local assistance program.
- 9 (7) The site cleanup program.

10 (c) The progress report shall specifically include, but is not
11 limited to, all of the following information:

12 (1) Pursuant to paragraph (1) of subdivision (b), the status of
13 the certification and evaluation of local enforcement agencies
14 pursuant to Chapter 2 (commencing with Section 43200) of Part
15 4.

16 (2) Pursuant to paragraph (2) of subdivision (b), all of the
17 following information:

18 (A) The results of the research and development programs
19 established pursuant to Chapter 13 (commencing with Section
20 42650) of Part 3.

21 (B) A report on information and activities associated with the
22 establishment of the Plastics Recycling Information Clearinghouse,
23 pursuant to Section 42520.

24 (C) A report on the progress in implementing the monitoring
25 and control program for the subsurface migration of landfill gas
26 established pursuant to Section 43030, including recommendations,
27 as needed, to improve the program.

28 (D) A report on the comparative costs and benefits of the
29 recycling or conversion processes for waste tires funded pursuant
30 to Chapter 17 (commencing with Section 42860) of Part 3.

31 (3) Pursuant to paragraph (3) of subdivision (b), all of the
32 following information:

33 (A) A review of actions taken by the board to educate and inform
34 individuals and public and private sector entities who generate
35 solid waste on the importance of source reduction, recycling, and
36 composting of solid waste, and recommendations for administrative
37 or legislative actions which will inform and educate these parties.

38 (B) A report on the effectiveness of the public information
39 program required to be implemented pursuant to Chapter 12
40 (commencing with Section 42600) of Part 3, including

1 recommendations on administrative and legislative changes to
2 improve the program.

3 (C) A report on the status and effectiveness of school district
4 source reduction and recycling programs implemented pursuant
5 to Chapter 12.5 (commencing with Section 42620) of Part 3,
6 including recommendations on administrative and legislative
7 changes to improve the effectiveness of the program.

8 (D) A report on the effectiveness of the integrated waste
9 management educational program and teacher training plan
10 implemented pursuant to Part 4 (commencing with Section 71300)
11 of Division 34, including recommendations on administrative and
12 legislative changes that will improve the program.

13 (E) A report on the status and effectiveness of the Instructional
14 School Gardens Program implemented pursuant to Article 8.5
15 (commencing with Section 51795) of Chapter 5 of Part 28 of the
16 Education Code.

17 (F) A summary of available and wanted materials, a profile of
18 the participants, and the amount of waste diverted from disposal
19 sites as a result of the California Materials Exchange Program
20 established pursuant to subdivision (a) of Section 42600.

21 (4) Pursuant to paragraph (4) of subdivision (b), all of the
22 following information:

23 (A) A review of market development strategies undertaken by
24 the board pursuant to this division to ensure that markets exist for
25 materials diverted from solid waste facilities, including
26 recommendations for administrative and legislative actions that
27 will promote expansion of those markets. The recommendations
28 shall include, but not be limited to, all of the following:

29 (i) Recommendations for actions to develop more direct liaisons
30 with private manufacturing industries in the state to promote
31 increased utilization of recycled feedstock in manufacturing
32 processes.

33 (ii) Recommendations for actions that can be taken to assist
34 local governments in the inclusion of recycling activities in county
35 overall economic development plans.

36 (iii) Recommendations for actions to utilize available financial
37 resources for expansion of recycling industry capacity.

38 (iv) Recommendations to improve state, local, and private
39 industry product and material procurement practices.

1 (B) Development and implementation of a program to assist
2 local agencies in the identification of markets for materials that
3 are diverted from disposal facilities through source reduction,
4 recycling, and composting pursuant to Section 40913.

5 (C) A report on the Recycling Market Development Zone Loan
6 Program conducted pursuant to Article 3 (commencing with
7 Section 42010) of Chapter 1 of Part 3.

8 (D) A report on implementation of the Compost Market Program
9 pursuant to Chapter 5 (commencing with Section 42230) of Part
10 3.

11 (E) A report on the progress in developing and implementing
12 the comprehensive Market Development Plan, pursuant to Article
13 2 of Chapter 1 (commencing with Section 42005) of Part 3.

14 (F) The number of retreaded tires purchased by the Department
15 of General Services during the prior fiscal year pursuant to Section
16 42414.

17 (G) The results of the study performed in consultation with the
18 Department of General Services pursuant to Section 42415 to
19 determine if tire retreads, procured by the Department of General
20 Services, have met all quality and performance criteria of a new
21 tire, including any recommendations to expand, revise, or curtail
22 the program.

23 (H) The number of recycled lead-acid batteries purchased during
24 the prior fiscal year by the Department of General Services
25 pursuant to Section 42443.

26 (I) A report on the implementation of the white office paper
27 recovery program pursuant to Chapter 10 (commencing with
28 Section 42560) of Part 3.

29 (5) Pursuant to paragraph (5) of subdivision (b), all of the
30 following information:

31 (A) A report on the annual audit of the used oil recycling
32 program established pursuant to Chapter 4 (commencing with
33 Section 48600) of Part 7.

34 (B) A summary of industrial and lubricating oil sales and
35 recycling rates, the results of programs funded pursuant to Chapter
36 4 (commencing with Section 48600) of Part 7, recommendations,
37 if any, for statutory changes to the program, including changes in
38 the amounts of the payment required by Section 48650 and the
39 recycling incentive, and plans for present and future programs to
40 be conducted over the next two years.

1 (6) Pursuant to paragraph (6) of subdivision (b), all of the
2 following information:

3 (A) The development by the board of the model countywide or
4 regional siting element and model countywide or regional agency
5 integrated waste management plan pursuant to Section 40912,
6 including its effectiveness in assisting local agencies.

7 (B) The adoption by the board of a program to provide assistance
8 to cities, counties, or regional agencies in the development and
9 implementation of source reduction programs pursuant to
10 subdivision (c) of Section 40912.

11 (C) The development by the board of model programs and
12 materials to assist rural counties and cities in preparing city and
13 county source reduction and recycling elements pursuant to Section
14 41787.3.

15 (D) A report on the number of tires that are recycled or otherwise
16 diverted from disposal in landfills or stockpiles.

17 (E) A report on the development and implementation of
18 recommendations, with proposed implementing regulations, for
19 providing technical assistance to counties and cities that meet
20 criteria specified in Section 41782, so that those counties and cities
21 will be able to meet the objectives of this division. The
22 recommendations shall, among other things, address both of the
23 following matters:

24 (i) Assistance in developing methods of raising revenue at the
25 local level to fund rural integrated waste management programs.

26 (ii) Assistance in developing alternative methods of source
27 reduction, recycling, and composting of solid waste suitable for
28 rural local governments.

29 (F) A report on the status and implementation of the “Buy
30 Recycled” program established pursuant to subdivision (d) of
31 Section 42600, including the waste collection and recycling
32 programs established pursuant to Sections 12164.5 and 12165 of
33 the Public Contract Code.

34 (7) Pursuant to paragraph (7) of subdivision (b), a description
35 of sites cleaned up under the Solid Waste Disposal and Codisposal
36 Site Cleanup Program established pursuant to Article 2.5
37 (commencing with Section 48020) of Chapter 2 of Part 7, a
38 description of remaining sites where there is no responsible party

- 1 or the responsible party is unable or unwilling to pay for cleanup,
- 2 and recommendations for any needed legislative changes.

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